

**UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

MALIBU MEDIA, LLC,

Plaintiff,

v.

DOE Subscriber Assigned IP Address
71.58.216.197,

Defendant.

CASE NO. 4:15-cv-2281

**COUNTER DEFENDANT’S FIRST MOTION FOR EXTENSION OF TIME TO SERVE
UNREDACTED MOTION TO DISMISS**

Counter Defendant, Christopher Fiore (“Mr. Fiore” or “Undersigned”), moves for entry of an order permitting him a brief three (3) day extension to file a Motion to Dismiss, and states:

1. On February 10, 2016, this Court entered an Order permitting Defendant to proceed anonymously in this case. As such, all parties are prohibited from disclosing Defendant’s true identity in any publically filed document in this case.

2. On July 21, 2016, Defendant filed a Third Party Complaint against Plaintiff’s former attorney, Mr. Fiore. And, today is the deadline for undersigned to file his Motion to Dismiss Defendant’s Third Party Complaint.

3. Undersigned has prepared a Motion to Dismiss Defendant’s Third Party Complaint (“Motion”). However, the Motion and Exhibit “A” thereto contains specific facts about Defendant’s true identity. Accordingly, undersigned must file the unredacted version of the Motion under seal.

4. Local Rule 5.8 states that “no document shall be filed under seal unless authorized by an order of court[.]” and Local Rule 49 states that a party must file a motion to seal and deliver the unredacted documents to the Clerk’s Office.

5. Undersigned has filed a redacted version of the Motion to Dismiss and a Motion for Leave to File Under Seal. Pursuant to the Local Rules, undersigned is also mailing the unredacted Motion to the Court. However, the Court will likely not receive undersigned’s unredacted Motion until Friday, December 23, 2016.

6. Accordingly, and in an abundance of caution, undersign respectfully requests a brief three (3) day to submit the unredacted Motion to this Court.

WHEREFORE, Plaintiff respectfully requests that the time within which it must submit its unredacted Motion to Dismiss to this Court be extended by three (3) days. A proposed order is attached for the Court’s convenience.

Dated: December 20, 2016

Respectfully submitted,

FIORE & BARBER, LLC

By: /s/ Christopher P. Fiore
Christopher P. Fiore, Esquire
418 Main Street, Suite 100
Harleysville, PA 19438
Tel: (215) 256-0205
Fax: (215) 256-9205
Email: cfiore@fiorebarber.com
ATTORNEYS FOR PLAINTIFF

CERTIFICATE OF SERVICE

I hereby certify that on December 20, 2016, I electronically filed the foregoing document with the Clerk of the Court using CM/ECF and that service was perfected on all counsel of record and interested parties through this system.

By: /s/ Christopher P. Fiore